



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

**APPLICATION FOR PERMIT**

**Public Notice/Application No.:** 2002-00466-SDM

**Comment Period:** February 3, 2003 through March 4, 2003

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**Applicant**

Mr. Robert B. Stevens  
Flood Control District of Maricopa Count  
2801 West Durango Street  
Phoenix, Arizona 85009  
(602) 506-4073

**Location**

In the Arizona Canal Diversion Canal (ACDC), Skunk Creek and New River at (Sections 1, 2, 10 & 11, T3N, R1E), Peoria, Maricopa County, Arizona.

**Activity**

To excavate and grade a low-flow channel to provide for low-flow containment and conveyance through the ACDC, Skunk Creek and New River, resulting in approximately 3.8 acres of impact. For more information, see page 3 of this notice and attached drawings.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to [sallie.mcguire@usace.army.mil](mailto:sallie.mcguire@usace.army.mil) or mailed to:

**U. S. Army Corps of Engineers  
ATTENTION: Regulatory Branch (2002-00466-SDM)  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1939**

## Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## Preliminary Review of Selected Factors

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

**Cultural Resources-** The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Surveys for the presence of Yuma Clapper Rail (*Rallus longirostris yumanensis*) are ongoing. In the absence of positive survey results, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

To excavate and grade a 10,700-foot low-flow channel within the existing ACDC, Skunk Creek and New River within the existing channel bottom. Work will include the excavation and grading of a 16-foot wide low-flow channel with 6:1 sideslopes and removal of obstructing vegetation. The purpose of the project is to provide for low-flow containment and conveyance through the previously authorized flood control facility. Various concerns will be addressed by reestablishing the effective function of this facility. The proposed project is expected to: reduce or decrease channel capacity that may lead to potential failure of the flood control facility, reduce the prevalence of mosquitoes which have developed as a result of ponding in areas where flow is impeded, reduce possible failure of bank stabilization, increase worker safety, and ensure continuity with the ACDC channel upstream and the New River downstream

### **Additional Project Information**

The proposed project is located within an urbanized portion of the City of Peoria. The surrounding land uses include residential, public recreational and vacant land. The channels are ephemeral drainages that convey seasonal flows. Water released into the ACDC has allowed wetland conditions to develop in some portions of the channels. A mitigation island that was constructed to provide mitigation for the original Skunk Creek channelization project will be avoided by the proposed low-flow channel. The proposed project will be designed to maintain flows to this island. Proposed mitigation for the project includes in-lieu fees for permanent impacts and seeding with native grasses and forbs within the channel to mitigate for temporary impacts.

### **Proposed Special Conditions**

None at this time.

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For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.